

**FILED**

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

**2015 JUN 19 P 4: 25**

**UNITED STATES OF AMERICA, ex rel.  
DANE SMITH,**

**Plaintiffs,**

**v.**

**VMWARE, INC., and CARAHSOFT  
TECHNOLOGY CORP.,**

**Defendants.**

**CLERK US DISTRICT COURT  
ALEXANDRIA, VIRGINIA**

**Civil Action No. 1:10cv769  
FILED UNDER SEAL  
Pursuant to 31 U.S.C. Section  
3730(b)(2) and (b)(3)  
  
JCC/JFA**

**UNITED STATES' NOTICE OF INTERVENTION FOR PURPOSES OF SETTLEMENT**

The United States, Relator Dane Smith, and Defendants VMware Technology Inc. and Carahsoft Technology Corporation (collectively, "Defendants") are in the process of executing a settlement agreement that resolves the claims asserted by Relator on behalf of the United States in this action. The United States respectfully advises the Court of its decision to intervene for the purposes of settlement pursuant to 31 U.S.C. §§ 3730(b)(2) & (4).

Under the terms and conditions of the settlement agreement, the United States and Relator will file a Stipulation of Dismissal following the settlement payment from the Defendants which is due within seven business days. To effectuate the terms of the Parties' agreement, the stipulated dismissal will be with prejudice in part and without prejudice in part.

Finally, the United States hereby requests that the Court unseal the Relator's Complaint, the Relator's Amended Complaints, this Notice of Intervention, and all subsequent filings following this Notice of Intervention. The United States respectfully requests that all other filings

in this matter remain under seal and not be made public because in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended. A Proposed Order is filed herewith.

Respectfully submitted,

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